Post 2/12/71

City and State

Burch Refuses Bid on 'Phony' Rap Brown Charge

Maryland Attorney General Francis B. Burch informed Gov. Marvin Mandel yesterday that he will not provide the governor with a report, requested by Mandel, on on allegation that state arson charges against fugitive black militant H. Rap Brown were fabricated by a county prosecutor.

A spokesman for Mandel said the governor was "studying the legal implications of this request (by Burch) to withhold the report."

In a letter to Mandel, Burch said that he thinks it inappropriate "for my office, or any nonjudicial agency, to pass an opinion on the facts" in the case since the matter of whether the charges against Brown should stand is before the courts on a motion by Brown's attorney.

Richard J. Kinlein, the Howard County state's attorney, charged last month that William B. Yates, the Dorchester County state's attorney, had "fabricated" the arson charge, a felony, against Brown to insure FBI assistance in finding him if he failed to appear for trial. The charge, along with a misdemeanor charge of incitement to riot, grew out of the racial disorders in Cambridge, Md., in 1967.

Inmate Innocent

After spending 170 days in jail awaiting trial, a 21-year-old sailor has been found innocent of charges of firebombing a Hagerstown business during a disturbance last July.

Both prosecution and defense lawyers attributed the delay in the trial of Dennis E. Ashby of Hagerstown to a "series of freak happenstances." The former prosecutor was in the hospital when the trial was first scheduled; then a judge retired, and finally the new prosecutor, Daniel W. Moylan, asked for time to prepare his case after taking office in January. Ashby was unable to raise the $10,000 bail.

Judge Harold E. Naughton, hearing the case in Washington County Circuit Court, granted a motion of acquittal Wednesday after the state abruptly rested its case. Moylan said two key state witnesses changed their testimony.

Plant Complaint

Forty-six persons [illegible] near an El[illegible] closed down until it corrects its air pollution problem complained yesterday that the plant is continuing to operate periodically and is still making them sick.

The Maryland Department of Health and Mental Hygiene, which is monitoring the Galaxy Chemicals, Inc., plant, acknowledged that the plant was allowed to run tests last week and this. Karl York, the enforcement officer for the state, said that two more tests are authorized for the next two weeks.

After that, York said, the company will have to d[illegible] whether it wants its pollu[illegible] clo[illegible]

Maurice Stans has offered the Metro transit authority a method to channel more contracts to minority-owned firms, but the Metro turned it down yesterday with both thanks and regret.

The Stans plan called for the Small Business Administration, part of the Commerce Department, to act as a prime contractor for the Metro and to award sub[illegible] tracts to qualifying firms without bidding.

Authority said it could not. John R. Kennedy, Metro general counsel, said the federal designation would create great legal problems.

Outbreak Ends

Maryland health [illegible] reported yest[illegible] diarrhea [illegible] fected [illegible] p